

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE ALUMINUM WAREHOUSING	:	MDL No. 2481
ANTITRUST LITIGATION	:	
	:	Docket No. 1:14-cv-03122-KBF/MHD
This Document Relates To:	:	
	:	
Consumer End User Plaintiffs	:	
-----X	:	

**NOTICE OF OPPOSITION BRIEFS FILED SEPARATELY, JOINTLY OR ADOPTED
BY CONSUMER END USERS IN RESPONSE TO DEFENDANTS' MOTIONS TO
DISMISS**

In order not to burden the Court with duplicative briefing, the Consumer End User Plaintiffs have limited the number of their separate Oppositions to the various Motions to Dismiss to the two that most specifically address the standing and state law claims of the Consumer End User Plaintiffs. Most of the other Motions to Dismiss raise issues generally applicable to all plaintiffs, such as the adequacy of the allegations of horizontal conspiracy, antitrust injury and the claim of immunity made by the LME. With respect to the other Motions to Dismiss, Consumer End Users have either joined in joint oppositions to those motions or adopt and support the arguments and positions stated in the opposition briefs of the Direct Purchaser Plaintiffs, Mag Instrument, Inc., Agfa Corporation, and Agfa Graphics, N.V. (collectively Mag/Agfa)^{1, 2}

In order to facilitate the Court's organization and review of all the briefing, the Consumer End Users set forth in the table below, as to each of the filed Motions to Dismiss, (1) the Motions

¹ To the extent required, this document formally adopts the positions of the Direct Purchasers and Mag/Agfa as stated in the table below.

² At the time of filing this Notice, the Consumer End Users had not had an opportunity to review in detail the positions and arguments of the Commercial End Users, and accordingly do not adopt the positions or arguments in briefs filed only on their behalf. However, the Consumer End Users reserve the right to adopt the Commercial End Users positions and arguments after having an opportunity to review their opposition briefs.

to Dismiss as to which they have filed a separate opposition brief; (2) the Motions to Dismiss as to which they have joined in a joint opposition brief; and (3) the Motions to Dismiss as to which they adopt the positions and arguments stated in the Direct Purchaser Plaintiffs and Mag/Agfa opposition briefs.

<u>Title of Motion</u>	<u>Docket Number in 1:14-cv-03122</u>	<u>Docket Number in 1:13-md-02481</u>	<u>Consumer End Users' Position(s)</u>
Notice of Motion by Pacorini Metals USA, LLC to Dismiss The Amended Complaints.	6	331	Joint brief filed with Direct Purchaser Plaintiffs (class only) and Commercial End Users.
Defendants' Notice of Their Joint Motion to Dismiss All Federal and State Antitrust Claims for Lack of Antitrust Standing.	10	312	Brief filed by Consumer End Users. Consumer End Users also adopt the positions and arguments of Direct Purchaser Plaintiffs and Mag/Agfa to the extent of their recitation of facts and argument relating to Defendants' conspiracy and conduct, and relating to antitrust injury and standing.
Defendant The London Metal Exchange's Notice of its Motion to Dismiss All Complaints on the Merits.	12	333	Consumer End Users adopt the positions and arguments of Direct Purchaser Plaintiffs and Mag/Agfa.
Notice of Motion By Defendants Henry Bath LLC and JPMorgan Chase & Co. to Dismiss the Amended Complaints.	14	309	Joint brief filed with Direct Purchasers Plaintiffs (class only) and Commercial End Users.

Defendant The London Metal Exchange's Notice of its Motion to Dismiss All Complaints on Sovereign Immunity Grounds	16	320	Joint brief filed with all Plaintiffs.
Defendant LME Holdings Limited's Notice of Motion to Dismiss.	19	327	Joint brief filed with Direct Purchaser Plaintiffs (class only) and Commercial End Users.
Warehouse and Financial Firm-Defendants' Notice of their Motion to Dismiss Plaintiffs' Antitrust Claims for Failure to State a Claim.	24	316	Consumer End Users adopt the positions and arguments of Direct Purchaser Plaintiffs and Mag/Agfa.
Defendants' Notice of their Joint Motion to Dismiss State Law Claims.	28	341	Brief filed by Consumer End Users. Consumer End Users also adopt the positions and arguments of Direct Purchaser Plaintiffs and Mag/Agfa to the extent of their recitation of facts and argument relating to Defendants' conspiracy and conduct, and relating to antitrust injury, proximate cause, and standing.
Glencore Ltd.'s Notice of its Motion to Dismiss the First Level Purchaser Plaintiffs' Second Corrected Consolidated Amended Class Action Complaint for Failure to State a Claim Upon Which Relief Can Be Granted	N/A	338	Joint brief filed with Direct Purchaser Plaintiffs (class only) and Commercial End Users.

Dated: May 27, 2014

Respectfully Submitted

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